



**CITY OF SCOTTSDALE
McDOWELL SONORAN PRESERVE COMMISSION
SPECIAL MEETING**

January 31, 2013

**Florence Ely Nelson Desert Park
8950 E. Pinnacle Peak Road
Scottsdale, AZ 85255**

SUMMARIZED MINUTES

PRESENT: James Heitel, Chairman
Fred Klein, Vice Chairman
Mike Milillo, Commissioner
Susan Wheeler, Commissioner
Marg Nelssen, Commissioner
Robert Frost, Commissioner
Con Englehorn, Commissioner

STAFF: Bill Murphy
Kroy Ekblaw
Scott Hamilton
Claire Miller
Robbin Schweitzer
Liz Hildenbrand
Joe Padilla

GUESTS: Mike Nolan
Jack McEnroe
Howard Myers
Lucia Galav
David Hay
Ed Quihuis

1. CALL TO ORDER

Chairman Heitel called the meeting to order at 5:03 p.m.

2. ROLL CALL

Members present as noted above.

3. PUBLIC COMMENT

Ed Quihuis from Arizona Classic Jeep Tours expressed concern about off-road tour companies being able to continue operating in the Preserve.

Chair Heitel suggested that an information item on the status of the off-road tours be agendized for a future meeting.

4. APPROVAL OF MINUTES

Approval of the Regular Meeting minutes of December 17, 2012

COMMISSIONER MILILLO MOVED TO APPROVE THE DECEMBER 17, 2012 MCDOWELL SONORAN PRESERVE COMMISSION REGULAR MEETING MINUTES. SECONDED BY COMMISSIONER ENGLEHORN, THE MOTION CARRIED WITH A VOTE OF SEVEN (7) TO ZERO (0).

5. DESERT DISCOVERY CENTER UPDATE

Mr. Ekblaw gave a presentation outlining the history behind the Desert Discovery Center concept, which dates back to the mid-1980s. He reviewed the tasks assigned by Council to each of the Phase I, Phase II, and Phase III committees, the resulting reports, and subsequent recommendations made by the Tourism Development Commission and the McDowell Sonoran Preserve Commission.

Commissioners asked questions about the potential impacts relating to the conceptual parking plan, alternate parking options, the DDC's relationship to the boundary of DC Ranch and the Toll Brothers development, and potential alternate sites.

Commission members expressed concern about the appropriateness of placing a multiuse facility such as the DDC inside of the Preserve and conveying interest in the land to a managing entity. Assistant City Attorney Joe Padilla explained that the Charter Provision does not prohibit development in the Preserve as long as the improvements are consistent with the Preserve Ordinance and does not prohibit entering into a management agreement with someone. He clarified that a management agreement is not a lease and does not convey a property interest. Mr. Ekblaw further clarified that there has been no direction from Council to proceed with an operator management agreement, other than to determine whether or not there is any interest.

Mr. Ekblaw said that the Phase III Committee has not met in approximately a year and he anticipates they will be meeting within the next 60 days.

Commission members opined that decisions regarding the DDC concept and location, if to be within the Preserve, should be decided by referendum.

The following individual discussed concerns about potential impacts to the Preserve, parking conflicts, and violations to the Preserve Ordinance and City Charter:

- Howard Myers

COMMISSIONER FROST MOVED TO DIRECT STAFF TO SCHEDULE A JOINT MEETING BETWEEN THE MCDOWELL SONORAN PRESERVE COMMISSION AND THE DESERT DISCOVERY CENTER PHASE III COMMITTEE. SECONDED BY COMMISSIONER ENGLEHORN, THE MOTION FAILED WITH A VOTE OF THREE (3) TO FOUR (4). CHAIR HEITEL, VICE-CHAIR KLEIN, AND COMMISSIONERS NELSEN AND WHEELER DISSENTED.

VICE-CHAIR KLEIN MOVED TO RECOMMEND THAT A CITY REFERENDUM BE CONDUCTED BEFORE ANY DESERT DISCOVERY CENTER PROPOSAL MOVES FORWARD.

Discussion ensued regarding alternate locations for the DDC. Mr. Padilla clarified that a recommendation to remove land from the Preserve would require a public vote.

THE MOTION MADE BY VICE-CHAIR KLEIN DIED FOR LACK OF A SECOND.

COMMISSIONER WHEELER MOVE TO AGENDIZE A DISCUSSION OF ALTERNATE DESERT DISCOVERY CENTER LOCATIONS AND TO INVITE THE CHAIR OF THE DDC PHASE III COMMITTEE TO ATTEND A SUBSEQUENT MSPC MEETING TO FURTHER DISCUSS POSSIBLE DDC LOCATIONS. SECONDED BY COMMISSIONER FROST, THE MOTION FAILED WITH A VOTE OF THREE (3) TO FOUR (4). CHAIR HEITEL, VICE-CHAIR KLEIN, AND COMMISSIONERS ENGLEHORN AND MILILLO DISSENTED.

The Commission tabled the discussion and asked that Mr. Padilla research the most appropriate way to frame a request for a vote on the DDC location.

The Commission took a ten-minute break.

6. ETHICS TRAINING

Assistant City Attorney Joe Padilla presented the ethics refresher video to the Commission.

7. ELECTION OF OFFICERS

COMMISSIONER FROST NOMINATED CHAIR JIM HEITEL TO CONTINUE IN THE POSITION OF CHAIR OF THE MCDOWELL SONORAN PRESERVE COMMISSION. COMMISSIONER WHEELER SECONDED THE MOTION. CHAIR HEITEL WAS ELECTED TO CONTINUE IN THE POSITION OF CHAIR WITH A VOTE OF SIX (6) TO ZERO (0). CHAIR HEITEL ABSTAINED.

COMMISSIONER FROST NOMINATED VICE-CHAIR FRED KLEIN TO CONTINUE IN THE POSITION OF VICE-CHAIR OF THE MCDOWELL SONORAN PRESERVE COMMISSION. COMMISSIONER WHEELER SECONDED THE MOTION. VICE-

CHAIR KLEIN WAS ELECTED TO CONTINUE IN THE POSITION OF VICE CHAIR WITH A VOTE OF SIX (6) TO ZERO (0). VICE-CHAIR KLEIN ABSTAINED.

8. MSPC 2012 ANNUAL REPORT

The Commission suggested that the report include more detailed information and highlight the land acquisition milestones that were accomplished in the last year.

COMMISSIONER FROST MOVED TO APPROVE THE MCDOWELL SONORAN PRESERVE COMMISSION 2012 ANNUAL REPORT. SECONDED BY COMMISSIONER NELSEN, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

9. FUTURE ACQUISITION PRIORITIES

There was no report on future acquisition priorities.

10. STAFF REPORTS

Mr. Ekblaw reported that the sale of bonds for the past year's acquisition came in at 2.82%.

Mr. Ekblaw clarified that the jeep tour operations referenced by the public speaker are currently operating on the recently purchased Preserve land under the State Land regulation and an amendment to the Preserve Ordinance would be required in order for the jeep tours to continue. He as the Preserve Manager has agreed to allow the businesses to continue operation through the end of May 2013. There will be an item on the March MSPC meeting agenda to discuss a potential ordinance amendment.

Chair Heitel suggested an amendment to the financial report layout.

11. COMMISSIONER COMMENTS

Commissioner Klein expressed discontent with the abbreviated minutes and asked that an item be agendaized to discuss alternate methods of recording meeting minutes.

Commissioner Englehorn requested that a staff person be tasked with addressing the issue of hikers with off-leash dogs at Tom's Thumb. He expressed concern about an incident where paramedics had a difficult time locating an injured Army Reserve person in the Preserve. Staff indicated that both issues were being addressed.

Chair Heitel stressed the importance of rezoning Preserve land to conservation open space.

Commissioner Frost noted that the Conservancy is conducting a bird study and they will bring the Commission a full report upon completion of the study.

12. AGENDA ITEMS FOR MARCH 7, 2013

There was no further discussion regarding agenda items for the March 7th meeting.

13. ADJOURNMENT

The meeting adjourned at 7:17 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.